



3510-16-P

## **DEPARTMENT OF COMMERCE**

### **Patent and Trademark Office**

#### **Submission for OMB Review; Comment Request; Native American Tribal Insignia Database**

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* United States Patent and Trademark Office, Commerce

*Title:* Native American Tribal Insignia Database

*OMB Control Number:* 0651-0048

*Form Number(s):* None

*Type of Request:* Extension of a currently approved collection.

*Number of Respondents:* 4 responses per year.

*Average Hours Per Response:* The USPTO estimates that a recognized Native American tribe will require an average of 1 hour to complete a request to record an official insignia, including time to prepare the appropriate documents and submit the completed request to the USPTO.

*Burden Hours:* 4 hours

*Cost Burden:* \$4.80.

*Needs and Uses:* The Trademark Law Treaty Implementation Act of 1998 (Pub. L. 105-330, sec. 302, 112 Stat. 3071) required the USPTO to study issues surrounding the protection of the official insignia of federally and state-recognized Native American tribes under trademark law. At the direction of Congress, the USPTO created a database containing the official insignia of recognized Native American tribes.

The USPTO database of official tribal insignias provides evidence of what a federally or state-recognized Native American tribe considers to be its official insignia. The database thereby assists trademark examining attorneys in their examination of applications for trademark registration by serving as a reference for determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.*

This information collection is used by the USPTO to enter an official insignia submitted by a federally or state-recognized Native American tribe into the database. There are no forms associated with this collection.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* Nicholas A. Fraser, e-mail: [Nicholas\\_A.\\_Fraser@omb.eop.gov](mailto:Nicholas_A._Fraser@omb.eop.gov).

Once submitted, the request will be publicly available in electronic format through [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- E-mail: [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0048 copy request" in the subject line of the message.
- Mail: Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER] to Nicholas A. Fraser, OMB Desk Officer, via e-mail to [Nicholas\\_A.\\_Fraser@omb.eop.gov](mailto:Nicholas_A._Fraser@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

Dated: March 10, 2017

Marcie Lovett

Director, Records and Information Governance Division

Office of the Chief Technology Officer

Office of the Chief Information Officer

United States Patent and Trademark Office.

**BILLING CODE 3510-16-P**

[FR Doc. 2017-05575 Filed: 3/21/2017 8:45 am; Publication Date: 3/22/2017]